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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,932	01/25/2002	Anthony G. Martin	50642.00025	8366

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/056,932

Applicant(s)

MARTIN ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a)) as being unpatentable over Hoyle et al., PCT International Publication No. WO 00/04434, in view of Sonderegger, U.S. Patent No. 5,893,118.

As per claims 1, 9, 17 and 25-29, Hoyle et al. teaches a method comprising:

- using a first application (e.g. corresponds to the client software application;

Figure 1 element 10) to obtain rule(s) for collecting information (Examiner's

Interpretation: "rules" is interpreted to mean any software means by which information is filtered or disseminated to a particular person, and this corresponds to the software which is downloaded into the client; page 10 lines 18-19) wherein the rule(s) are obtained in response to a request (e.g. corresponds to a download request; page 10 lines 18-19) that includes:

- (1) an identifier associated with the client (e.g. page 10 lines 20-27 and page 18 lines 20-24); and

- (2) information related to rules presently stored at the client (e.g. corresponds to upgrading software located on the client; page 18 lines 17-20);

- using the first application to monitor a second application on the client, the second application being in communication with a network wherein the second application is used for accessing sites on the network (e.g. page 27, line 31 – page 28, line 10;

- collecting information that satisfies a rule(s) using the first application (e.g. corresponds to collecting information about a user and storing a portion of the collected information on the client using the first application (e.g. corresponds to the use of the user data storage; Figure 1 element 34, for storing data about a user in conjunction with the ADM module so that appropriate banners may be downloaded via the network); and
- receiving content via the network for presentment by the first application based on the portion of the collected information stored on the client (e.g. corresponds to retrieving banners and placing them into banner storage; Figure 1 element 30, so that they may be retrieved and presented to the user, via the display; Figure 1 element 26, at a later time).

As per claims 1, 9, 17, 25-29 and 33-35, Hoyle et al. does not specifically teach the utilization of a hash table, located at the client, for determining the availability of content with respect to the client, as well as the updating of the hash table.

Sonderegger teaches a JAVA client which may be incorporated into a client (e.g. C7 L37-48) that is utilized for determining the availability of components with respect to the client (e.g. C7 L58-61 and CC10 L36-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Sonderegger into the system disclosed by Hoyle for the purpose of knowing what items, via a globally interconnected network, are available to the client at any given time, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claims 2, 10 and 18, Hoyle further teaches the collected information being equivalent to behavioral information about a user (e.g. corresponds to computer usage information; page 16 L6-10).

As per claims 4, 12 and 20, Hoyle further teaches at least one rule(s) includes a trigger and when the trigger is tripped, a notification is transmitted to a location via the network (e.g. page 32, lines 25-28).

As per claims 5, 13 and 21, Hoyle further teaches that the rule(s) are obtained using the network (e.g. inherent to downloading software over the Internet; Figure 1).

As per claims 6, 14, 22 and 26-29, Hoyle further teaches that the content includes additional rule(s) for controlling the presentment of the content (e.g. corresponds to category identifiers; page 32 lines 26-27).

As per claims 7-8, 15-16, 23-24, 26-27 and 29, Hoyle further teaches that a portion of the collected information is transmitted to a location using the network and that the information transmitted includes an identifier and wherein a portion of the received content is based on the identifier (e.g. corresponds to computer usage information being transmitted to and stored by the ADM server; page 17 line 32 – page 18 line 14 and page 18 lines 16-25).

As per claim 30, Hoyle further teaches that the second application is a browser (e.g. page 4 line 26 – page 5 line 6; page 5 lines 10-11).

As per claim 31, Hoyle further teaches that the collected information includes information relating to a time at which the second application is used to access at least one site coupled to the network (e.g. corresponds to what time of day the computer is used; page 5 lines 22-24).

As per claims 26 and 32, Hoyle further teaches that the time information is used to determine an order of priority by which the content is presented (e.g. page 17 lines 23-25).

As per claims 3, 11 and 19, a feature wherein the rule(s) are updated based upon the collected information pertaining to the behavior of the user is a feature that the disclosed system of Hoyle would obviously possess the capability of performing since

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the whole point of Hoyle is to allow for banner advertisements to target particular users based on their actions or desires while utilizing the Internet, and therefore since it is obvious that a users actions or desires change as a function of time, it would be obvious to allow for information to be collected, via use of rules, to also change or be updated as a function of the users ever changing preferences, thereby forming a more flexible banner collection service by providing the system with the ability to adapt to the ever changing preferences of a person, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection, as set forth above in this office action.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*For Anthony Knight*  
*Ramesh Patel*  
**RAMESH PATEL**  
**PRIMARY EXAMINER** 7/25/05

Ronald D Hartman Jr.  
Patent Examiner  
Art Unit 2121

July 20, 2005